

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70550 of 2023

Arising Out of PS. Case No.-246 Year-2022 Thana- BAHERI District- Darbhanga

GYANCHANDRA PRASAD SINGH @ RAMNATH SINGH son of Ganga Prasad Mandal @ Ganga Ram Mandal Village- Dohat Narayan Ps- Baheri Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Iqbal Asif Niazi
For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 19-03-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Baheri P.S. Case No. 246 of 2022 dated 06.08.2022 registered under Sections 302 / 34 of the I.P.C.

3. As per the F.I.R. eight persons including the petitioner have allegedly killed the mother of the informant on 06.08.2022 in the night by means of knife, *gupti*, dagger etc. The reason behind the occurrence has been given as enmity arising out of marriage of the brother of informant and due to non fulfillment of demand of Rs. 5 lakh from the sister of the informant.

4. Learned counsel for the petitioner submits that petitioner's father is having a land dispute with the deceased's family in which the deceased was also one of the defendants and a Title



Suit was filed on 02.06.2022. The reason behind the occurrence as alleged in the F.I.R. is due to non fulfillment of demand of Rs. 5 lakh by the sister of the informant in the marriage of brother of the informant. Since the petitioner's father has a land dispute with the family of the deceased he has falsely been implicated. Learned counsel also took the plea of *alibi* and submits that during the course of investigation mobile CDR and mobile location of the petitioner has been shown outside the place of occurrence near Deoghar which is at a far away distance from the place of occurrence. The place of occurrence is at Darbhanga. The Police after investigation has submitted final form not sending the petitioner for trial, however, the learned Magistrate has differed with the police report and has taken cognizance against the petitioner.

5. On the other hand, learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submits that the petitioner is named in the F.I.R. and as per the post mortem report the deceased has been brutally killed by the accused persons due to previous enmity between the parties. The investigation has not been done fairly by the Police and *alibi* is a very weak defence as such the petitioner does not deserve the privilege of anticipatory bail on the basis of defence



of *alibi*. The location of the petitioner's mobile as on the date of occurrence has not been ascertained during the course of investigation.

6. Learned counsel for the State submits that since there was land dispute between the petitioner's father and the family of the deceased and *panchayati* had taken place in the house of the petitioner, as such, there is a possibility that the petitioner may be involved in the occurrence.

7. Regard being had to the submission made by the parties, taking into consideration the rival submissions and the reason behind the occurrence as disclosed in the F.I.R. and further the fact that Police after investigation did not find any material against the petitioner and has submitted final form though as has been differed by the learned Magistrate, as such, I am inclined to grant anticipatory bail to the petitioner.

8. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VII, Darbhanga in connection with Baheri P.S. Case No. 246 of 2022 subject to the condition as laid down



under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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